

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

MARVIN LEWIS HENDERSON, Jr.,

Petitioner,

v.

// CIVIL ACTION NO. 1:11CV16
(Judge Keeley)

TIMOTHY STEWART,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION (DKT. 16)
AND DISMISSING 28 U.S.C. § 2241 PETITION WITH PREJUDICE

On May 17, 2011, the Honorable James E. Seibert, United States Magistrate Judge, entered a Report and Recommendation ("R&R"), concluding that this 28 U.S.C. § 2241 petition filed by the pro se petitioner, Marvin Lewis Henderson, Jr. ("Henderson"), should be dismissed. Henderson filed no objection to the R&R, and the time to do so has expired. Accordingly, the Court **ADOPTS** the R&R (dkt. 16) in its entirety, **GRANTS** the respondent's motion to dismiss (dkt. 11), **DENIES** the petition for a writ of habeas corpus, and **DISMISSES** this case **WITH PREJUDICE**.

It is so ORDERED.

The Court directs the Clerk to prepare a separate judgment order and to transmit copies of both orders to counsel of record and to the pro se petitioner via certified mail, return receipt requested.

DATED: July 18, 2011.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE